

REMARKS

This is in response to the final office action mailed on July 10, 1995, in which claims 3-11, 23, 25, 27-32 and 35 were withdrawn from consideration and in which claims 1-11 and 15-37 are presently pending. Claims 1, 2, 15-17, 18-22, 24, 26, 33, 34, 36 and 37 have been rejected. Claims 2 and 15, 18, 20 and 21 are canceled. Claims 1, 16-19, 22, 24, 26, 33, 34, 36 and 37 are amended to overcome rejections based upon 35 U.S.C. §112 and to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. It is believed that the proposed amendments do not raise new issues that would require further consideration or search. Accordingly, it is requested that the proposed amendment be entered.

I. OBJECTIONS TO THE DRAWINGS

In the Office Action, the drawings were objected to under 37 CFR §1.83(a). It was asserted that the drawings do not show every feature of the invention specified in the claims. In particular, it was asserted that the locking rim which surrounds the rim of the container (claim 1), the handle of claim 18, the wire of claim 20, the hose of claim 21, and the bearing balls of claim 24 are not shown. In response, claim 1 is amended not to include the limitation of a retainer including a locking rim. Claims 18, 20 and 21 are canceled. Claim 24 is amended to delete the feature of a bearing unit having a top race secured to the bottom plate, a bottom race resting upon the base of the bucket, and bearing balls therebetween.

II. OBJECTION TO SPECIFICATION AND CLAIMS UNDER 35 U.S.C. §112, FIRST PARAGRAPH

The specification was objected to under 35 U.S.C. §112 for not providing support for the invention now claimed, i.e., for the retainer to be releasably coupled to the container or for the rim to releasably engage the rim of the container. In response, claim

1 is amended to delete the feature of a device having a retainer releasably coupled to the container and having rim releasably engaging the rim of the container. As discussed above, claims 2 and 15 are canceled. Claims 1 and 16, overcome the rejection under 35 U.S.C. §112, first paragraph.

**III. REJECTION OF CLAIMS 1, 2, 15-22, 24, 26, 33, 34, 36 AND 37
UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

Claims 1, 2, 15-22, 24, 26, 33, 34, 36 and 37 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. In particular, for clarity and definiteness, it was suggested that -- an exterior of -- should be inserted before "the base" in claims 33 and 37. Claims 33 and 37 have been amended as suggested by the Examiner. It was further asserted that the recitations "hole defined by side wall" "to receive" and "therebetween" are not clear. In response, claims 1, 15, 18, 34 and 37 are amended to further define how the hole extends through the respective walls or top. Claim 19 is amended to specify that the first and second access holes have a circumference large enough to receive the cord through the first and second access holes.

It was further asserted that "the flat surface" in claim 15, "the bottom plate" and "the top" in claim 24, and "the top plate" in claim 34 lack antecedent basis. Claim 15 is canceled. Claim 24 is amended to delete the limitation including "the bottom plate" and is further amended to insert --plate-- after "top". Claim 34 depends from independent claim 18. Independent claim 18 specifically recites that the spool includes "a round top plate having a second access hole extending therethrough."

It was further asserted that the claims recite functions which lack sufficient structures or necessary structural cooperation between the structures to enable the functions to be effected. In particular, it was asserted that "to hold the spool within the container" in claim 1 is not sufficiently supported since the container only has one base which can be square and one sidewall which can be a straight wall. In response, claim 1 is amended to

recite a cylindrical sidewall. Claim 18 was previously directed to a device including a cylindrical sidewall. Thus, the present amendment does not raise new issues requiring further search or consideration. It is believed that claim 1, as amended, recites sufficient structures and structural cooperation to support the functions set forth in claim 1.

It was further asserted that claim 18 which recites "the round top plate retains the elongate flexible member concentrically around the outer surface of the column" lacks sufficient structure. Claim 18 is amended to recite that "the round top plate and the round bottom plate retain the elongated flexible member concentrically around the outer surface of the column." Claim 18 is directed to a device which includes a spool having a round bottom plate, a round top plate and column vertically mounted between the round top plate and the round bottom plate independent of the base. The round top plate and the round bottom plate therefore retain the elongate flexible member concentrically around the outer surface of the column when the spool is within the bucket and when the spool is removed from the bucket.

It is further asserted that in claim 22 which recites that the flexible member "passes through the cavity and through the second access hole" lacks sufficient structure to support the function. It is further asserted that claim 36 which recites that the "the flexible member passes through the cavity and through the hole in the top plate of the spool" lacks sufficient structure. As discussed above, the claims have been amended to further define how the access holes extend through the sidewalls or the top of the spool. Accordingly, it is believed that the claims, as amended, recite sufficient structure or structural cooperation between the structures to enable the second end of the flexible member to pass through the second access hole in claim 18 and to further enable the second end of the flexible member to pass through the cavity and through the hole in the top plate of the spool in claim 36.

With respect to claim 17, it was asserted that the term "concentrically" is unclear. Claim 17 is amended to recite "a cylindrical sidewall". Thus, spool is retained vertically and concentrically within the container having a cylindrical sidewall. The limitation that the sidewall is cylindrical was previously claimed in claim 18. Thus, the

present amendment to claim 17 does not raise new issues requiring further search or consideration.

With respect to claim 18, it was asserted that "for freely resting" is an incomplete phrase. However, claim 18 specifically recites "bearing means coupled to the bottom plate for freely resting and supporting the spool upon the base so that the spool is free from attachment within the bucket." Applicant respectfully submits that "for freely resting" is a complete phrase when read in context with the remainder of the claim.

With respect to claim 24, it was asserted that the purposes second bearing unit was unclear. Claim 24 is amended to delete limitation of "a bearing unit having a top race secured to the bottom plate, a bottom race resting upon the base of the bucket, and bearing balls therebetween." With respect to claim 26 it was asserted that "extending through" is an incomplete phrase and "and a substantial ... the spool" makes little sense. Claim 26 is amended to correct this typographical error. Claim 26, as amended, recites that "the first access hole of the bucket comprises an elongated slot extending through and along a substantial length of the sidewall of the bucket." Lastly, in claim 34, it was asserted that how the disk defines a second access hole is unclear. Claim 34 is amended to recite that the second access hole extends through the disk.

IV. CONCLUSION

With this Amendment, claims 2, 15, 20 and 21 are canceled and claims 1, 16-19, 22, 24, 26, 33, 34, 36 and 37 are amended. Claims 1, 16, 17, 18, 19, 22, 24, 26, 33, 34, 36 and 37 as amended overcome the rejections under 35 U.S.C. §112, first paragraph and under 35 U.S.C. §112, second paragraph. The above amendment places the application in better form for appeal by materially reducing or simplifying the issues for appeal. The Amendments do not raise new issues which would require further consideration or search. Entry of the above Amendment is respectfully requested.

Respectfully submitted,

KINNEY & LANGE, P.A.

By: Todd A. Rathe
Todd A. Rathe, Reg. No. 38,276
Suite 1500
625 Fourth Avenue South
Minneapolis, MN 55415-1659
Phone: (612) 339-1863 Fax: (612) 339-6580

TR:alg